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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 12 March 2009 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to refer to Security Council resolution 1455 (2003) regarding the report of Saint Vincent and the Grenadines on the implementation of the Al-Qaida/Taliban sanctions measures pursuant to paragraphs 6 and 12 of that resolution.

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations has the further honour to forward the above-mentioned report from the Government of Saint Vincent and the Grenadines (see annex).

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Annex to the note verbale dated 12 March 2009 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

Report of Saint Vincent and the Grenadines on the implementation of the Al-Qaida/Taliban sanctions measures pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003)

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

The Permanent Mission of St. Vincent and the Grenadines to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit the report submitted by the Government of St. Vincent and the Grenadines pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003).

I. Introduction

1. **Please provide a description of activities, if any, by Osama Bin Laden, Al Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

There has been no discernable activity of Osama Bin Laden, Al Qaida, the Taliban and their associates in St. Vincent and the Grenadines. There is, at present, no intelligence to suggest that they pose a threat to the country or to the region. As such, no likely trends in relation to their activities are readily identifiable.

II. Consolidated List

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

The 1267 Committee's List has not been incorporated into St. Vincent and the Grenadines' legal system. However, the said List and the subsequent updates are incorporated into the administrative structure and are circulated by the Ministry of Foreign Affairs to all relevant authorities, including financial supervision, the police, immigration control, customs and consulate authorities, on the basis of required administrative procedures.

A Financial Intelligence Unit (FIU) has been established in Saint Vincent and the Grenadines to receive, analyze suspicious transaction reports and investigate money laundering and other serious financial crimes.

The Financial Intelligence Unit functions as mandated by the FIU Act 2001 include:

- Receipt and analysis of suspicious transaction reports that are required to be made under the Proceeds of Crime and Money Laundering (Prevention) Act, No.39 of 2001;

- Collection of information from financial institutions and other relevant bodies for the purpose of investigating relevant offences;
- Investigating of relevant offences;
- Dissemination of information;
- International cooperation in the exchange of financial information; and
- Awareness raising and education of financial and business institutions on their obligations to detect prevent and deter money laundering and associated offences.

The FIU is committed to active cooperation with foreign FIUs and law enforcement agencies to properly investigate suspected money laundering offences and other financial crimes.

The Proceeds of Crime and Money Laundering (Prevention) Act, 2001 criminalizes the act of money laundering; gives the FIU the authority to trace, seize and ultimately confiscate criminally derived assets; and builds the necessary framework for permitting the exchange information with counterparts in other countries.

It also brings law enforcement and financial regulatory authorities together with the private sector to enable financial institutions to play a role in dealing with the problem. This means, among other things, involving the relevant authorities in establishing financial transaction reporting systems, customer identification, record keeping standards and a means for verifying compliance.

Additionally, the International Financial Services Authority, as the Regulatory body that registers and licenses international financial entities and practitioners, plays a key role in ensuring that the financial services sector is not facilitating terrorism and money laundering activities. All financial institutions must abide by the Proceeds of Crime and Money Laundering Act, 2001. The National Anti-Money Laundering Committee of St. Vincent and the Grenadines, the official body which sets policy on matters of Anti-Money Laundering (AML) and Counter Financing of Terrorism (CFT) has officially adopted United Nations Resolution 1267 as its national terrorist watch list. A link to Resolution 1617 which extends Resolution 1267, Resolution 1267 and its Terrorism watch list is provided on the International Financial Services Authority website.

3. **Have you encountered any problems with implementation with regard to the names and identifying information, as currently included in the List? If so, please describe the problems.**

St. Vincent and the Grenadines has encountered no problems with implementation with regard to the names and identifying information currently included in the List.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

No designated individuals or entities associated with Osama bin Laden and the Taliban have been identified inside this State.

5. **Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or Al Qaida that have not been included in the List, unless to do so could compromise investigations or enforcement actions.**

   There are no known individuals or entities associated with Osama Bin Laden or members of the Taliban or Al Qaida known to the authorities that have not been included in the list.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

   No listed individuals or entities have brought a lawsuit or engaged in legal proceedings against St. Vincent and the Grenadines' authorities for inclusion in the list.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

   None of the listed individuals have been identified as nationals or residents of St. Vincent and the Grenadines. This country's authorities have no relevant information about the listed individuals not already included in the List.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al Qaida training camps established in your territory or in another country.**

   United Nations (Anti-Terrorism Measures) Act, 2002 is a comprehensive legislation to suppress terrorism in the State St. Vincent and the Grenadines and assist other countries in their fight against terrorism. Although al-Qaida is not specifically mentioned, the Act provides mechanisms to suppress terrorist activity in St. Vincent and the Grenadines.

   This Act addresses Prohibitions respecting Terrorists and Terrorist Groups, specifically:

   - Prohibition against provision or collection of funds for terrorist acts;
   - Prohibition against provision of resources and services for benefit of terrorist;
   - Prohibition against dealing with property of terrorists;
   - Prohibition against supporting terrorists in other ways: -
     - any form of support, active or passive, to any terrorist or any entity owned or controlled by any terrorist or to any entity acting on behalf of or at the direction of any terrorist-

       a) by recruiting or assisting in the recruitment of persons; or

b) by supplying or assisting in the supply of weapons is an offence.

III. Financial and economic assets freeze

9. Please describe briefly:

- **The domestic legal basis to implement the asset freeze required by the resolutions above;**

In St. Vincent and the Grenadines there have been no reports of financial assets or properties owned by the listed individuals and entities. However, St. Vincent and the Grenadines has an effective anti-money laundering and counter financing of terrorism regime as the State passed legislation and regulations in 2001 adding to the Proceeds of Crime Act No. 12 of 1997 and other legislation such as the Drug Trafficking Offences Act. No. 45 of 1993 which allowed for forfeiture and confiscation of cash or conveyance connected with such offences. The updated package of legislations include the Proceeds of Crime and Money Laundering (Prevention) Act 2001 which was designed to be a strict piece of legislation targeting the proceeds generated from criminal conduct. Other pieces of legislation in this package include the United Nations Anti-Terrorism Measures Act 2002, the Proceeds of Crime and Money Laundering Regulations and the Financial Intelligence Unit Act, 2001.

Additionally, section 13 the United Nations (Anti-Terrorism Measures) Act, 2002 states that any member of the Royal Saint Vincent and the Grenadines Police Force, any customs officer, or any immigration officer may seize and detain any cash if he has reasonable grounds for suspecting that: it is intended to be used for the purposes of a terrorist act, it is terrorist property within the meaning given in section 2 of the Act.

The section applies to cash which is being imported into or exported from the Saint Vincent and the Grenadines, is being brought to any place in the Saint Vincent and the Grenadines for the purpose of being exported from the Saint Vincent and the Grenadines,

The cash seized under shall be released not later than the end of the period of 48 hours beginning with the time when it is seized. However, where an order is made under section 14 in relation to cash seized, it may be detained during the period specified in the order.

In this context cash means coins and notes in any currency, postal orders, travellers'' cheques, bankers' drafts, and such other kinds of monetary instruments as the Attorney General may specify.

- **Any impediments under your domestic law in this context and steps taken to address them**

At present, no barriers have been identified in the course of implementation of the legislative framework.

10. Please describe any structures or mechanisms in place within your government to identify and investigate Osama bin Laden, Al Qaida or Taliban-related financial networks or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The Financial Intelligence Unit of St. Vincent and the Grenadines and the Commissioner of Police are authorized to investigate terrorist activities. Upon receiving information that a person who has committed or who is alleged to have committed any offence under United Nations (Anti-Terrorism Measures) Act, 2002 may be present in St. Vincent and the Grenadines, the Commissioner shall take all measures necessary under the laws of St. Vincent and the Grenadines to investigate the facts contained in the information and upon being satisfied that the circumstances so warrant the Commissioner shall take all appropriate measures to ensure the presence of such person in St. Vincent and the Grenadines for the purpose of prosecution or extradition.

Additionally, the Financial Intelligence Unit is a member of the Egmont Group and as such has access to a secured regional and international network.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of Osama Bin Laden or members of the Al-Qaida or the Taliban, or associated entities or individuals. Please describe any 'due diligence' or "know your customer" requirements. Please indicate how these requirements are enforced including the names and activities of agencies responsible for oversight.

Financial institutions and other regulated entities are mandated to implement a comprehensive, all encompassing and effective anti money laundering and counter financing of terrorism compliance program. This program is constructed on five pillars, namely, knowing the customer (KYC) also known as customer due diligence (CDD), recognition of suspicious transactions, reporting suspicious transactions, keeping records and conducting AML/CFT training on an ongoing basis.

12. Resolution 1455 (2003) calls on member states to provide "a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to 1267 (1999), 1333 (2001), and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **Identification(s) of the person(s) or entities whose assets have been frozen**
- **A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets)**
- **The value of assets frozen**

St. Vincent and the Grenadines has not frozen any assets of listed individuals and entities.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

No funds, financial assets, or economic assets previously frozen, and belonging to Osama bin Laden, or members of the Al-Qaida or the Taliban or associated individuals or entities have been released pursuant to resolution 1452 (2002) as there has been no frozen assets.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

Prohibition against provision or collection of funds for terrorist acts

Section 3 of the United Nations (Anti- Terrorism Measures) Act, 2002 states that any person in St. Vincent and the Grenadines or any citizen of St. Vincent and the Grenadines outside St. Vincent and the Grenadines who by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out a terrorist act or to facilitate the commission of any terrorist act commits an offence. For an act to constitute an offence it shall not be necessary that the funds were actually used to carry out a terrorist act.

Any person in St. Vincent and the Grenadines or any citizen of St. Vincent and the Grenadines outside St. Vincent and the Grenadines who attempts to commit the above-stated offence; or participates as an accomplice of anyone who commits or attempts to commit that offence; or organises or directs others to commit or attempt to commit that offence; shall likewise be guilty of an offence.

Prohibition against provision of resources and services for benefit of terrorists

Section 4 of the United Nations (Anti- Terrorism Measures) Act, 2002 states that any person in St. Vincent and the Grenadines or any citizen of St. Vincent and the Grenadines outside St. Vincent and the Grenadines who makes any funds, financial assets, economic resources or financial or other related services available, directly or indirectly, for the benefit of any terrorist; any entity owned or controlled by any terrorist; any person or entity acting on behalf of or at the direction of any terrorist or any entity owned or controlled by any terrorist commits an offence.

Methodology used

The methodology used is that of meetings, ongoing contact with compliance officers and training sessions. Additionally, the watch list is available on the website of International Financial Services Authority.

The financial institutions to which the methodology applies are banks and non banking institutions including: insurance companies, credit unions, building societies, cooperatives, money dealers, postal agencies, real estate dealers, motor vehicle dealers, and courier services.

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

Every financial institution or person engaged in a relevant business activity is required to report suspicious transactions. These reports are directed to the Financial Intelligence Unit and reviewed and evaluated by the Unit in accordance with the

Regulations made under the Proceeds of Crime and Money Laundering (Prevention) Act 2001. The report has to be made within fourteen days of the transaction deemed to be suspicious as relating to money laundering or the proceeds of criminal conduct.

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds, and other related items.**

According to the Proceeds of Crime and Money Laundering (Prevention) Act 2001 jewellers fall under the definition of persons engaged in relevant business who must report transactions deemed to be suspicious as relating to money laundering or the proceeds of criminal conduct.

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — 'hawala', as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursements of funds for social or charitable purposes.**

The remittance system of "Hawala" does not obtain in this jurisdiction. Generally, any group can be incorporated under the Companies Act 1994 as long as it satisfies the requirements stated under the Act. A non-profit company cannot be incorporated without the approval of the Attorney General and its business must be restricted to one that is of a patriotic, religious, philanthropic, charitable, educational, scientific, literary, historical, artistic, social, professional, fraternal, sporting or athletic nature, or the like, or to the promotion of some other useful object.

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2b of resolution 1390 (2002).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

The Travel Ban is implemented administratively by inclusion and circulation of the relevant details in the stop list, which is available to all officers at port of entry.

16. Have you included the names of the listed individuals in your nation 'stop list' or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The names of listed individuals have been included on the national stop list/border checkpoint lists. No problems have been encountered.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

The updated list is transmitted to border control authorities on a continuous basis. St. Vincent and the Grenadines does not possess the capability to search List Data using electronic means at all entry points.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No listed person has been stopped at any of our border points or while transiting St. Vincent and the Grenadines.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

Presently, there are no reference databases at our Consular offices. No visa applicant has been identified, to date, whose name is on the List.

V. Arms embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale or transfer, to Osama bin Laden, members of Al-Qaida organization, and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related materiel of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Osama bin Laden, members of the Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

In 2003, the Chemical Weapons (Prohibition) Act (No. 44 of 2003) was implemented in order to incorporate into the law of St. Vincent and the Grenadines the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction.

The Biological Weapons Act, Act No. 9 of 1992 was implemented to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons.

The Firearms Act 1995 prohibits the illicit acquisition of arms and ammunition.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings, and entities associated with them?

St. Vincent and the Grenadines is neither a producer nor an exporter of arms, ammunition and other related materiel. Insofar as transshipment measures are concerned there are appropriate border controls in place.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of the Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Not applicable. There are no arms brokers in St. Vincent and the Grenadines.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of the Al-Qaida organization and the Taliban another individuals, groups, undertakings and entities associated?

Not applicable. St. Vincent and the Grenadines is not a producer of weapons and ammunition.

VI. Assistance and conclusion

24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

St. Vincent and the Grenadines does not possess the capacity required to provide assistance to other States to aid implementation of the measures contained in Security Council resolutions 1267 and 1455.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/ Al Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

St. Vincent and the Grenadines would like to strengthen the capacities of the services responsible for the implementation of the sanctions measures and in that regard would be interested in receiving technical assistance for the following: training for law enforcement personnel, immigration officers, customs officers and

banking personnel in counter-terrorism; provisions of equipment for identification, detection, surveillance and appropriate technological and data-processing tools to monitor the movement of persons at border points; technological and data-processing tools to monitor transfers of funds and foreign exchange information.

26. **Please include any additional information you believe pertinent.**

Not applicable.